

Racial Discrimination
Case against UK

**Subject: [British Roma] UK
Government found to have
discriminated against Roma**

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European Roma Rights Centre and six Czech Romani Plaintiffs Win
Landmark
Racial Discrimination Case against UK Government

R v Immigration Officer at Prague Airport & anor ex parte
European Roma
Rights Centre & others

House of Lords

Hearing: 25 October 2004 / 1 November 2004

Judgment: 9 December 2004

Today the House of Lords decided that the UK Government had
discriminated
on racial grounds against Czech citizens of Romani origin in
preventing
them from travelling to the UK in order to stop them from claiming
asylum
upon arrival. The practice was described by the Lords as
"inherently and
systematically discriminatory" against Roma. The decision itself is
certainly the most important one ever in terms of condemning racial

discrimination in the area of UK border regulation.

Commentating on the ruling, Shami Chakrabarti, director of Liberty, and Dimitrina Petrova, executive director of the European Roma Rights Centre, said:

'This ruling exposes the racism at the heart of the Government's asylum policy.

The message was absolutely clear: 'Roma not welcome in UK!'

The decision has international implications as the House of Lords decided

that the practice was unlawful not only under UK's domestic race discrimination law, but also under international conventions, including the

United Nations Convention on the Elimination of All Forms of Racial

Discrimination and the International Covenant on Civil and Political Rights, as well as customary international law. Significantly, the decision

also highlights that states in general do not enjoy unfettered discretion

in terms their border policies, legislation and/or practices.

Facts:

In 2001 the Czech Republic agreed that the UK could station immigration

officers at Prague Airport to screen all passengers travelling to the UK.

The aim was to detect people who wanted to claim asylum in the UK and

prevent them from travelling. The overwhelming number of passengers who

were refused permission to enter the UK under this operation were Roma,

regardless of whether or not an individual Czech citizen of Romani origin actually intended to claim asylum in the UK. Statistics showed that Roma were 400 times more likely to be refused entry to the UK than non-Roma. Liberty represented six Czech Roma individuals, one of whom wanted to travel to the UK for a family visit, and the European Roma Rights Centre, an international public interest law organization engaged in strategic litigation across Europe.

The High Court had decided that the practice did not discriminate against Roma. The Court of Appeal decided that the practice almost inevitably discriminated against Roma, but that that discrimination was effectively justified because Roma were more likely than non-Roma to seek asylum.

For additional details regarding this case, please contact Branimir Plese, ERRC Legal Director (e-mail: branko@errc.org, phone:+361 413 2200).